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Chairman: Mr. Galuška ..... (Czech Republic)

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The meeting was called to order at 10.20 a.m.

Agenda item 116: Human rights questions

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 353, 360, 386, 399 and Add.1, 401, 439 and 491)

(c) Human rights situations and reports of special rapporteurs and representatives (A/54/188, 302, A/54/303-S/1999/958, A/54/331-S/1999/959, A/54/359, 361, 365, 366, 387, A/54/396-S/1999/1000, A/54/409, 422, 440, 465, 466, 467, 482, 493 and 499; A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

(e) Report of the United Nations High Commissioner for Human Rights (A/54/36)

1. **Ms. Robinson** (United Nations High Commissioner for Human Rights), introducing her annual report (A/54/36), said that the Third Committee was uniquely situated to consider human rights from a world perspective. Embedding a culture of respect for human rights in the societies, institutions and cultures of the planet was her prime objective as High Commissioner. In her view, standards and methods were in place to achieve that objective, if the political will and resources could be committed. Her report surveyed the international standards in human rights that provided protection for the essential elements of human dignity and the range of procedures and methods the United Nations had devised to implement those standards.

2. Both she and the Secretary-General had urged all countries to ratify or accede to the core human-rights treaties by 2003, in their view a realistic time scale. Particular attention should be paid to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She welcomed the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and urged its early ratification and entry into force.

3. It was because the implementation of those treaties would address the causes of many of the conflict situations arising in the contemporary world that she accorded such priority to the functioning of the human-rights-treaty bodies and to the improvement of human-rights special procedures, both of which would require the support and cooperation of Member States. Despite a shortage of resources, the work of the treaty bodies could indeed lead to greatly-enhanced respect for human rights on the national level.

4. Strengthening national protection and reacting to allegations of violations required the vigilant efforts of human-rights defenders. She wished to express her deepest concern for human-rights defenders and journalists who had been imprisoned, tortured and killed while defending the principles of the Universal Declaration of Human Rights. A real test of international commitment to their protection lay in the enactment of national measures to implement the Declaration on Human Rights Defenders (General Assembly resolution 53/144, annex).

5. Moreover, it was because building national human-rights cultures required human-rights capacity-building that she placed such emphasis on strengthening and modernizing the Office's technical-cooperation programme, which was making a noticeable contribution to improving the enjoyment of human rights in many countries. The regional approach had proven productive: in that regard, she noted the progress made in the Asia-Pacific region, and welcomed the Grand Bay Declaration and Plan of Action, adopted by the first Ministerial Conference on Human Rights of the Organization of African Unity (OAU), held in Mauritius in April 1999, a historic document that her Office was seeking ways and means to support. She looked forward to a visit later in November 1999 to Latin America and the Caribbean, especially to a regional workshop to be held in Quito, Ecuador, which could lay the basis for a Latin American and Caribbean regional strategy. She had decided to appoint special regional advisers to promote regional progress in human-rights protection. Mr. P. J. Bhagwati had accepted the appointment as the regional adviser for the Pacific, and she was seeking regional advisers for other areas. If the United Nations was to assist States in facing the challenge of human-rights protection, it must focus attention on a number of issues that cut across borders and required collective solutions.

6. Racism, the greatest contemporary danger to human rights, destroyed societies, prompted national and international conflicts and provoked massacres, including genocide. She therefore accorded great importance to her responsibilities as Secretary-General of the World Conference against Racism, Racial Discrimination,

Xenophobia and Related Intolerance to be held in 2001, in her view an ideal opportunity to mobilize local and national communities to participate in the campaign against discrimination. The questions of dignity and equality should be examined, achievements assessed and goals set. Although the International Decade of the World's Indigenous Peoples had made progress, attaining its objectives would require the focused action of local communities, national Governments and international organizations. Both in her role as High Commissioner for Human Rights and as coordinator for the Decade, she had been struck by the importance that indigenous peoples attached to the work of the United Nations in their behalf.

7. The question should be asked how many contemporary conflicts were rooted in the struggle for recognition of rights to economic well-being, social dignity and cultural respect. According to the 1999 *State of the World's Children*, a sixth of humanity was illiterate, and two thirds of all illiterate persons were female. With regard to the right to food, over 800 million people were chronically undernourished. In addition, the 1999 *Human Development Report* had pointed out that one quarter of the population of developing countries lacked hope of survival beyond the age of 40, access to knowledge, and basic services. Over a billion people lacked clean water and lived on incomes of less than $1 per day; one in seven children did not attend primary school.

8. The grave and widespread conflicts those statistics prefigured could be avoided if the international community took the appropriate initiative. The highest priority must be accorded to the promotion of respect for economic, social and cultural rights and the right to development. As her report indicated, extensive inter-agency work was being conducted with a view to mainstreaming respect for human rights into development spheres. A valuable contribution to that effort was the High-level Symposium on Human Development and Human Rights, held in Oslo in 1998, the papers of which had recently been published.

9. The debate must, however, be widened. Decisions on macroeconomic policy were too often made in isolation from their human-rights consequences, and social policy and budgets must attempt to remedy the resulting suffering. That was especially so with regard to the rights of children. Both the Commission on Human Rights and the Economic and Social Council had taken up that matter earlier in 1999. In addition, the World Bank was developing the human-rights element of its policy-making, and the International Monetary Fund had taken an important new step with regard to debt relief and poverty elimination.

10. In 1999, her Office had been according careful attention to the ways in which the human-rights bodies could improve their contribution to protecting child rights, with emphasis on children in armed conflict and juvenile justice. She urged a rapid conclusion to the draft optional protocol that would raise the age of recruitment into the armed forces to 18, and exhorted the international community fully to enforce the existing norm of 15 years old. It was deplorable that children under that age should be recruited into the army and exposed to the dangers of combat. She likewise called on arms-exporting countries to refrain from supplying weapons to countries that enrolled children in armed forces, a violation of the Convention on the Rights of the Child.

11. In view of the stark abuses to which children were subjected under criminal-justice systems, the Committee on the Rights of the Child had asked her to consider ways of inculcating an understanding of child rights, and promoting their implementation, in juvenile-justice procedures. The preparatory process for an international conference on that topic should, in her view, allow for progress to be made in addressing those problems. That process should, however, be broadened to include, *inter alia*, respect for the rights of children in the care of the State, an issue she intended to examine with the help of that Committee, the United Nations Children's Fund (UNICEF) and concerned non-governmental organizations.

12. Creating a human-rights culture and thereby preventing massive human-rights violations required work, time and patience. Unfortunately, that task had been overshadowed by tragic, large-scale violations of human rights in such places as Cambodia, Rwanda, the Democratic Republic of the Congo, Kosovo and East Timor. The public, vividly exposed to those horrors by the media, could only ask why the international community, and the United Nations in particular, had been unable to prevent them from happening — especially since warnings had been sounded well before some of those crises had occurred.

13. In her view, the challenge of the twenty-first century was to introduce the concept of prevention (and prevention techniques) at the international level. One such technique was human-rights institution building, which included, for instance, efforts within the United Nations system to improve early-warning and conflict-prevention capacities. And yet, when confronted with impending human-rights disasters, the international community was often incapable of action. The reports of special rapporteurs and working groups and the work of the treaty bodies offered valuable independent sources of information and analysis that could prevent disaster if they were translated into action. She was

indeed deeply concerned by the failure of the international community to prevent human suffering.

14. The question arose whether an international mechanism could be created that would consider such information and propose action. Such a mechanism — necessarily involving the participation of Member States — might, for instance, meet periodically in private to review information. Approaches could range from quiet diplomacy to public calls to action. In order, however, to win confidence and to develop a sense of shared responsibility, provisions would also have to be made for public scrutiny of its work. Transparency could perhaps be achieved by publicizing discussions at set intervals, a practice sometimes applied at the national level.

15. Personal accountability and the elimination of impunity were crucial factors in the prevention of gross violations of human rights. Increasingly, courts were prosecuting human-rights cases regardless of where and when they occurred, a welcome development. Welcome, too, were the establishment of international tribunals for Yugoslavia and Rwanda and the adoption of the Rome Statute of the International Criminal Court, which established competency over genocide, crimes against humanity and war crimes. She urged all States to ratify the Statute, allowing the International Criminal Court to commence its work.

16. The creation of a worldwide culture of respect for human rights indeed faced enormous challenges, which some might balk at undertaking. And yet, the drafters of the Charter and the Universal Declaration of Human Rights had embraced a similar vision, and the world had benefited. A strong system of rules and procedures had been constructed, and support for human rights was growing all over the world. In her view, respect for human rights should not be seen as an unrealizable ideal. It would, however, require Governments to make responsible decisions. The United Nations, which was universal, impartial, and listened to the voices of the weak, was the ideal focus for launching human-rights actions. As the Millennium Assembly approached, strong relationships must also, however, be developed with civil society, in order better to hear the voices of the world's peoples.

17. **Mr. Rytövuori** (Finland), speaking on behalf of the European Union, inquired as to the status of the academic study of the human-rights-treaty system mentioned in paragraph 25 of the report. Paragraph 39 spoke of the challenges identified at the second meeting of field presences, held in Geneva; further information would be welcome.

18. **Mr. Rogov** (Russian Federation) inquired what strategies had been developed for the Kosovo field office. He would also like to know whether and in what ways the lessons of Kosovo had been considered in the planning of future actions of the Office.

19. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) said that the criteria used when deciding to intervene in cases of grave human-rights violations in a particular State had never been properly defined. Certain States used human rights as a pretext to legitimize interference, often under the umbrella of the United Nations, in the internal affairs of other countries. Such initiatives undermined the precepts of international human-rights law and weakened international organizations. Cases of intervention had also occurred without any mandate from the international community and with a total disregard for its wishes. The Libyan Arab Jamahiriya categorically rejected any and all such initiatives.

20. Selectivity and double standards were at work with respect to intervention for human-rights reasons, as the Kosovo crisis had demonstrated. The major Powers often used human rights as a foreign-policy weapon with which to achieve their strategic, economic and ideological objectives. Such conduct undermined the credibility and very principle of human-rights protection and promotion.

21. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that a final draft of the conclusions of the study of the treaty-monitoring system should be ready for consideration by the end of 1999, and that the report was scheduled to be finalized in early January. An interim study on resources for monitoring bodies had concluded that they were gravely underfunded. At the meeting of the Chairpersons of Human Rights Treaty Bodies held in June, the chairpersons had agreed to draw up a coordinated plan of action so as to conduct more efficiently the work of the various committees. It had been acknowledged that their work was hampered by a shortage of staff and inadequate information technologies. In the current budget, she had made allocations for two additional posts; an estimated seven more would, however, be needed adequately to serve their needs. She would be approaching Governments during the current month to request support for the work of those bodies.

22. A number of recommendations had arisen from the two meetings of field presences, among them the need to administer and back up field presences more efficiently, since they were an important component in human-rights outreach. That was a high priority of her Office.

23. The Office had recommended the appointment of a senior human-rights adviser to work with officials in the

field offices at Priština. In addition, the Task Force on Minority Issues was working to address the significant problem of minorities in Kosovo. A recently established commission on prisoners and detainees, chaired by the chief of the Belgrade field office, would also address the problem of separated or lost family members. Importantly, there was a Serbian presence on that body.

24. The important question of what rules and conditions should apply in humanitarian interventions had been raised by the Secretary-General, and was on the agenda of the General Assembly; in fact, it was more properly the domain of the General Assembly and the Security Council than of her Office. For her part, she had submitted reports on the situation in Kosovo to the Commission on Human Rights. Kosovo had been bombed during the session of the Commission, which had received regular reports on the evolution of the conflict. The Commission had later expressed its willingness to continue to deal with the matter of Kosovo after the conclusion of the session. That was the first time that it had addressed gross violations of human rights while not in plenary session, an unprecedented and encouraging development.

25. **Ms. Buck** (Canada) asked what were the resource requirements of building national human-rights capacities, and what States could do to assist the Office in that effort. She would also like to know whether the Office was taking steps to integrate human-rights expertise into field presences of other spheres of United Nations activity — diplomatic, humanitarian, developmental and political.

26. **Mr. Umeda** (Japan) asked whether the Office had established a cooperative relationship with the Government of Indonesia, and what sort of relationship it envisaged between an international commission of inquiry and the Indonesian national human-rights commission.

27. **Mr. Šimonović** (Croatia) said that his Government was endeavouring to fulfil its international human-rights obligations. Small countries were, however, overburdened by the repetitive production of reports to treaty-monitoring bodies; there was an urgent need for coordination among United Nations treaty-monitoring mechanisms and between those bodies and regional mechanisms. A continuation of current procedures and methods would probably not improve the human-rights situation in Croatia; it might prove more worthwhile to establish human-rights programmes such as those administered by the Office of the United Nations High Commissioner for Human Rights and the Council of Europe.

28. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that the development of national human-rights institutions was becoming an increasingly important aspect of her Office's work, placing growing demands on its resources. She had proposed that additional funds should be allocated in order to allow her Office to more fully such integrate such work with its other activities. More support was needed for initiatives based on information exchange and sharing of experiences between national institutions engaged in national human-rights capacity-building. If a new form of human-rights colonialism was to be avoided, the focus should be placed on capacity-building from within. The need for capacity-building was not limited to developing countries, as the recent establishment of commissions for peace, reconciliation and human rights in Belfast and Dublin illustrated.

29. There was a clear need for early action and effective human-rights mechanisms to prevent conflict that gave rise to gross human-rights violations. Such matters clearly fell under the mandate of the Committee, which should give consideration to how such a need might be met within the system. There was already better coordination within the United Nations and a healthy level of informal debate, promoting the mainstreaming of human-rights issues in the policy area.

30. With regard to Indonesia, her Office accorded high priority to the maintenance of good relations with that country. She had acceded to requests from the Indonesian national human-rights commission for technical assistance. Her Office supported and welcomed the establishment of Indonesia's first ever Ministry of Human Rights and looked forward to further cooperation with the new Indonesian Government, including with respect to the work of the international commission of enquiry into events in East Timor.

31. Her Office's technical-cooperation project with Croatia was developing well and her recent visit to that country had proved very fruitful. The issue of the mandates of special rapporteurs was a question for the Commission on Human Rights, although there was clearly a need to strengthen human-rights mechanisms, especially at the regional level. In that regard, her Office sought to work with regional bodies in order to develop a strong regional human-rights system.

32. **Mr. Yu Wenzhe** (China) asked whether the High Commissioner viewed the protection of human rights and the need to respect the sovereignty of States as being complementary, and also how her Office managed to maintain a balance between the services it provided to States and the imperative to avoid interference in their internal affairs. He wanted to know what sources of funding were used to finance human-rights field offices and how the funds

were used. He further wondered what plans her Office had made in preparing for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in 2001.

33. **Mr. Fernández Palacios** (Cuba) said that his Government was disturbed by the emphasis on the strengthening of human-rights mechanisms, at the expense of other more important issues. The priorities of that Office should be decided by the Member States themselves. The report made no mention, for example, of the human-rights atrocities continually being committed in Israeli-occupied areas of the Arab world. It was essential to preserve and maintain objectivity and impartiality in human-rights matters.

34. **Mr. Rahmtalla** (Sudan) wondered what specific ideas the High Commissioner had with regard to the creation of an international early-warning mechanism to avert conflict that could give rise to gross human-rights violations. He wanted to know if the proposal was for the creation of a new international mechanism, and what its status would be vis-à-vis existing United Nations bodies. He added that the delay in issuing the special rapporteurs' reports made it very difficult for delegations to consult in a timely manner with their capitals. His delegation had received the report pertaining to the Sudan (A/54/467) only a few hours before it was to be discussed by the Committee.

35. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that she did not see any contradiction between respect for human rights and respect for the sovereignty of States. Fact-finding missions and field offices operated under a mandate formulated in agreement with the Government concerned. Field-office funding generally came from extrabudgetary resources, except in the case of Cambodia. The burden of raising funds was considerable, but the process itself was transparent.

36. Technical-cooperation projects followed a standard procedure, beginning with needs assessment and culminating in implementation based on a memorandum of understanding with the State involved. The process itself recognized the sovereignty of the State, and her Office looked forward to completing the final stages of the process with China. With regard to planning the 2001 Conference, her Office accorded priority to that task, in which the involvement of Governments and civil society was vital.

37. With regard to the comments of the representative of Cuba, it was important to recall that human-rights mechanisms mandated by Member States, as mediated through the Commission on Human Rights and the Third Committee. The United Nations High Commissioner for Human Rights was responsible for ensuring that adequate services were provided to experts and special rapporteurs who received no remuneration for the excellent work they performed. She herself was committed to ensuring that the resources were made available to fulfil the mandates given by Member States. However, the demarcation line was clearly defined.

38. The Sudanese representative had made a welcome comment on the issue of early action to avert gross human-rights violations. While her Office had no blueprint for a mechanism that could be created, it was nonetheless convinced that modalities in other forums could be drawn upon in order to raise the necessary political will within the United Nations system. She would welcome any ideas from the Committee in that regard.

39. **Mr. Al-Humaimidi** (Iraq) said that his delegation had received the report relating to human rights in Iraq (A/54/466) only the day before it was to be discussed by the Committee. Such tardiness impeded proper consultation with the competent national institutions. He hoped that future reports would be issued a week in advance, in order to facilitate constructive dialogue.

40. **Mr. Pal** (India) asked whether the United Nations High Commissioner for Human Rights shared his view that there was an endemic problem in human-rights agencies whereby human-rights protection was stressed at the expense of human-rights promotion, at times spilling over into a form of human-rights policing.

41. The problem of resources was common to all United Nations bodies, but the imbalance within human-rights bodies was particularly marked. While there was a set ceiling for regular budgetary resources, there appeared to be no shortage of extrabudgetary resources for programmes of interest to donor States. The mandates of human-rights bodies were determined internationally, but there was an inherent imbalance, if there was no money for one sector and plenty of money for another.

42. His delegation urged caution with respect to the creation of any early-warning mechanism, particularly if it came to be cast in the mould of a human-rights security council. The Security Council already met increasingly in private. It was important to avoid creating another body of that kind.

43. With regard to comments concerning the mainstreaming of human rights in economic policy, it should be noted that the current structure of international development assistance meant that developing-country Governments were often least able to influence

macroeconomic policy. Furthermore, history had indeed shown the dangers of human-rights colonialism.

44. **Mr. Chowdhury** (Bangladesh), noting that, according to the High Commissioner's report (A/54/36, para. 59), "the realization of economic, social and cultural rights and the right to development" was a main priority of her Office, asked why those particular rights had been grouped together, and why there was no mention of civil and political rights. His delegation would also appreciate more information on the work of the United Nations Development Group on the United Nations Development Assistance Framework and on training modules on human rights for country teams.

45. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the representative of Iraq, said she regretted the late issuance of certain documents. Her Office was working on the matter. Meanwhile, unedited versions of the reports had been made available on the Internet since 23 October.

46. Responding to the question put by India, she said that her Office focused on both the promotion and protection of human rights. Much progress had been achieved in regard to technical cooperation at the country and regional levels. Members of the Fifth Committee should be encouraged to support the proposed modest increase in her Office's budget. The funding pledged by the United Nations Foundation was most welcome. Although core work should be funded essentially from the core budget, extrabudgetary contributions were vital. It was important to ensure that the Office's agenda did not become donor-led, which was why unearmarked funding was particularly appreciated.

47. Replying to the representative of the Sudan, she said that gross violations of human rights had been identified by the Commission on Human Rights as the major problem. There was no blueprint for dealing with conflict situations, which was why she hoped to encourage the Committee to devise new modalities.

48. With regard to the impact of globalization on human rights, it was too soon for her to comment on the pilot phase of the World Bank's Comprehensive Development Framework (A/54/36, para. 64).

49. Responding to the representative of Bangladesh, she said that, since economic, social and cultural rights were not accorded sufficient attention at the international level, she was determined to redress the balance. The right to development was also a priority and was closely linked to the other rights. A training manual was being finalized (A/54/36, para. 63) as part of efforts to mainstream human rights at the country level. Her Office was also cooperating closely with the Working Group on the Right to Development.

50. **Mr. Issa** (Lebanon) asked what procedures had been adopted to rectify human-rights violations in occupied areas of his country, in view of the refusal of the occupying Power to cooperate.

51. **Mr. Goledzinowski** (Australia) welcomed the close cooperation between the United Nations and its international partners; Member States, indeed, were lagging behind in that regard. Further information on cooperation between the Office of the High Commissioner, independent experts and the Working Group on the Right to Development would be appreciated.

52. **Ms. Lee** (Singapore) disputed the claim that the death penalty constituted a violation of human rights under international law, and reiterated her Government's position which had been expressed at the 30th meeting. States not party to the Second Optional Protocol were surely not bound by its provisions. Moreover, there was no international consensus for abolition. Singapore would appreciate hearing the High Commissioner's reaction to its letter (A/C.3/54/5).

53. **Mr. Mutabobs** (Rwanda) expressed his Government's appreciation for the technical assistance provided to his country by the Office of the High Commissioner, particularly its support for the new national commission on human rights. As for early warning of human-rights disasters, it was well known that the capacity had existed to avert the genocide in Rwanda. However, little good could come of apportioning blame for the inaction. More practical advice would be appreciated, in particular on how to deal with those responsible for the genocide. Such criminals were currently on the loose, moving surreptitiously from one State to another, including some which were parties to the Convention on the Prevention and Punishment of the Crime of Genocide.

54. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that her Office was already supporting special procedures for rectifying the human-rights situation in South Lebanon. She hoped to make a visit to Lebanon in early 2000 to further assess the situation. Responding to the representative of Australia, she said that her Office aimed to provide practical support to the Working Group on the Right to Development.

55. Addressing the issue raised by Singapore, she said that she had only just received the letter in question. She stood by her statement on the death penalty released on 12 October 1999, which had been well-considered at the time. Not only was it fully in line with international law, but it also reflected

the actual situation with regard to ratification of the Second Optional Protocol. While the death penalty had yet to be banned, the trend towards abolition was clear. On several occasions, she had also expressed her concern at the use of the death penalty for juvenile offenders, which was a clear violation of the Convention on the Rights of the Child. Her aim was to encourage a public debate on the issue. She respected the views of all Member States.

56. She had recently met with OAU representatives to discuss the aftermath of the Rwandan genocide. It was to be hoped that the resulting report would prove useful.

57. Her Office relied on the support of Member States. Human-rights work was no easy task; above all, it required balance and objectivity. Clearly, human rights must be high on the agenda. National plans of action for responding to conflicts were an encouraging development, but political will was needed to advance their goals. There was certainly no cause for complacency. The Third Committee and the United Nations as a whole could do more to advance the issue.

58. **Sir Nigel Rodley** (Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment) introduced his interim report (A/54/426), which covered the period from 15 December 1992 to 31 August 1999. The main activities under his mandate were outlined in paragraph 6. Chapter III contained statistical information; the letters referred to in paragraph 16 had been sent to a total of 121 countries. As indicated in paragraph 23, to avoid duplication in respect of country-specific initiatives, he had sent urgent appeals or transmitted information alleging violations to Governments jointly with country-specific and thematic mechanisms of the Commission on Human Rights.

59. While some States had replied expeditiously to his communications, others had not. He appreciated the burden that the communications imposed on Governments, but urged all Governments to respond to them substantively and in a timely manner. He emphasized that his communications were not intended to be an indictment of Governments; they were designed to clarify situations, identify possible shortcomings and establish a dialogue that would assist the recipient.

60. *In situ* visits were another important aspect of his work: the missions which he had carried out since taking up his mandate were listed in paragraph 30 of his report. The reports of the missions he had carried out in 1999 would be submitted to the Commission on Human Rights. In addition to the visits mentioned in the report, he had made a brief visit to Portugal with regard to East Timor. Pursuant to a request made in the Commission on Human Rights, he would be leaving for East Timor that same day, together with the Special Rapporteur on extrajudicial, arbitrary and summary executions and the Special Rapporteur on violence against women. Visits enabled him to see the situation on the ground and to discuss with relevant officials the internal procedures established to protect the right to which his mandate related.

61. His requests for invitations to visit Algeria, Bahrain, Brazil, Egypt, India, Indonesia and Tunisia remained uncomplied with. He was happy to note that a visit to China was expected to take place in the second quarter of the year 2000.

62. To coordinate his activities with other torture-related mechanisms, he had, as indicated in paragraphs 32 to 34 of the report, held formal and informal meetings with the Board of Trustees of the Voluntary Fund for Victims of Torture and with the Committee against Torture.

63. Chapter IV of the report dealt with issues of special concern to the Commission on Human Rights and most of them had been discussed in his reports to that body. He hoped that States would give the same priority to implementation of the Convention against Torture as to the implementation of all other human-rights instruments.

64. There were three topics discussed in his report to which he wished to draw special attention. First was the question of the torture of human-rights defenders (ibid., paras. 43-44). Human-rights defenders were on the front line of the campaign against human-rights violations: without their courageous efforts, impunity would be a far greater problem and the international community would be less well informed about such violations. Unfortunately, they were too often targets of government repression. The adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144, annex) had been an important step towards providing them with the security they needed to carry out their work: it was now incumbent on States to take all necessary measures to ensure their protection.

65. Second was the question of the establishment of the International Criminal Court (ibid., paras. 56-59). The Rome Statute represented a landmark in international criminal law, reaffirming as it did that systematic or widespread torture was a crime against humanity. The establishment of the Court would help to combat the impunity which fostered that crime. He joined the High Commissioner for Human Rights in urging all countries to sign and ratify the Statute.

66. Third was the elaboration of the manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, otherwise known as the Istanbul Protocol (ibid., paras. 53-55). The manual would include the principles annexed to his report. He believed that the manual would be an important tool for States in investigating allegations of torture and he therefore hoped that the recommendation concerning it contained in paragraph 55 of his report would be approved. He also hoped that States would give due consideration to the wider recommendations contained in chapter V of the report.

67. The numbers of urgent appeals and letters concerning general allegations he had sent were graphic proof that, as the world entered a new millennium, too many Governments simply lacked the political will to stop the crime of torture. Torture and other forms of ill-treatment were occurring in all regions of the world as he spoke. The international community had to strengthen its efforts to eradicate the problem and to assist those who had been victims of what was a crime under international law.

68. **Ms. Buck** (Canada) asked the Special Rapporteur to describe how he was cooperating with the Commission on Crime Prevention and Criminal Justice in promoting the implementation of the Convention against Torture and how he was working with the Committee against Torture to improve its efficiency.

69. **Mr. Nour** (Egypt) noted that the Special Rapporteur had said that his requests for invitations to a number of countries remained "uncomplied with". As the question of inviting the Special Rapporteur to his country was under active consideration by the appropriate Egyptian authorities with a view to issuing an invitation when that was thought fit, he felt that the Special Rapporteur's expression was inaccurate with regard to Egypt.

70. The Special Rapporteur had also said that visits to countries enabled him to see the situation "on the ground". Why, then, had he gone to Portugal concerning East Timor? Had that visit been of help to East Timor?

71. **Ms. Grambye** (Denmark) asked the Special Rapporteur for his opinion of States' action on his recommendations following *in situ* visits.

72. **Sir Nigel Rodley** (Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment) said that his cooperation with the Commission on Crime Prevention and Criminal Justice was limited by the fact that the Commission was increasingly focusing on issues such as organized crime, rather than on the implementation of international standards in criminal-justice systems. While it was true that the Commission had interregional advisers for technical-assistance activities and that they sometimes interacted with the Office of the High Commissioner regarding advisory services, he was not involved in those activities.

73. As for cooperation with the Committee against Torture, he had had several meetings with that body and with the Office of the High Commissioner and the Board of Trustees of the Voluntary Fund for Victims of Torture, leading to joint declarations in 1998 and 1999 on the occasion of the International Day in Support of Victims of Torture. It should be noted that the Committee was empowered, under article 20 of the Convention against Torture, to investigate allegations of systematic torture. Such investigations were confidential and for that reason and to avoid duplication of effort he could not look into the allegations until the Committee had completed its work.

74. He assured the representative of Egypt that there was no question of States being obliged to accept his visits. As stated in paragraph 6 (d) of his report, visits were made with the consent of the Government concerned. Like his country's Mission in Geneva, the representative had sounded positive concerning the possibility of an invitation to visit Egypt; it was to be hoped that after so many years an invitation would materialize.

75. His visit to Portugal regarding East Timor had been made in 1996, at the invitation of the Portuguese Government, and had been for the purpose of meeting alleged victims and witnesses of torture, as well as doctors who had treated alleged victims. It had enabled him to collect information that would not otherwise have been available. He had transmitted that information to the Government concerned and had reflected it in the country-specific part of his annual report to the Commission on Human Rights.

76. He could give no certain reply to the question put by the representative of Denmark since resource constraints prevented the processing in time for inclusion in his annual report to the Commission on Human Rights of all the information received from Governments subsequent to his visits. His overall impression, however, was that most of the countries he had visited had not complied with most of his recommendations.

77. **Mr. Rytövuori** (Finland) thanked the Special Rapporteur on behalf of the European Union for his statement and the way he carried out his mandate. He asked whether there had been any progress in eliminating torture

since the Special Rapporteur's latest report to the Commission on Human Rights.

78. **Sir Nigel Rodley** (Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment) said that he would be hard-pressed to report any improvement, not least because the information at his disposal had not yet been systematically analysed. Consequently, he would not be either positive or negative in replying. What he could say was that his experience of human-rights work had taught him that major improvements rarely occurred overnight. If torture was practised in a State other than in very occasional instances, that meant there was a problem in the body politic and, therefore, in the body administrative; correcting such problems required firm political will and considerable resources. However, even though a long-term effort might be necessary, sight should not be lost of the urgency of eliminating torture.

The meeting rose at 12.50 p.m.